

REMARKS

The Board of Patent Appeals and Interferences (“the Board”) has reversed the rejections of claims 8-10 and 32-32 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, and the rejections of claims 8-10 and 32-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,127,488 or DE 19701487 to Obrecht et al. in view of U.S. Patent No. 5,232,531 to Dammann et al., JP 57-212239 or JP 05-017630. The Board has issued a new grounds for rejection under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicants address the new grounds for rejection below.

Claims 8-10 and 23-32 are pending in this application. Claim 10 is cancelled and claims 8, 9, and 23-32 are amended. Claims 8 and 9 have been amended to incorporate the subject matter of claim 10. Accordingly, no new matter has been added.

35 U.S.C. §112

Claims 8-10 and 23-32 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Board of Patent Appeals and Interferences alleges that the specification and claims fail to provide a standard by which to measure the amount of adherence a material may exhibit while still falling within the scope of the claimed term “non-adhesive.” Claims 8, 9, and 23-32 have been amended to remove the term “non-adhesive” rendering the outstanding rejection moot.

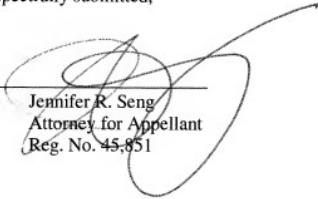
CONCLUSION

Applicants submit that the pending Claims are in condition for allowance and respectfully request notice to such effect. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

The USPTO is hereby authorized to charge the fees indicated on the attached PTO-2038, and any additional fees for an extension of time or those under 37 C.F.R. 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

By



Jennifer R. Seng
Attorney for Appellant
Reg. No. 45,851

LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15205-9741
(412) 809-2233
FACSIMILE PHONE NUMBER:
(412) 809-1054